



Atty. Dkt. No. 086142/0524

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wataru NAKAZAWA.
Title: STRUCTURE OF ATTACHING A FABRIC SHEET TO A
VEHICLE BODY
Appl. No.: 10/064,494
Filing Date: 07/22/2002
Examiner: Michelle R. Thomson
Art Unit: 3641

APPEAL BRIEF UNDER 37 C.F.R. § 1.192

Mail Stop APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Under the provisions of 37 C.F.R. § 1.192, this Appeal Brief is being filed in triplicate together with a check in the amount of \$660.00 covering the fees under Rules 17(b) and 17(c), appeal and brief in support of an appeal. If this fee is deemed to be insufficient, authorization is hereby given to charge any deficiency (or credit any balance) to the undersigned deposit account 19-0741.

I. REAL PARTY IN INTEREST

The real parties in interest are Takata Corporation.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-5 are pending. A copy of the pending claims is presented in the APPENDIX. The final rejection of claims 1-5 in the Office Action mailed April 8, 2004 is appealed.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been filed subsequent to the final rejection of claims 1-5 mailed April 8, 2004.

V. SUMMARY OF INVENTION

An exemplary embodiment of a structure for attaching a fabric sheet to a vehicle body is shown in Figures 1-3. A fabric sheet is attached to a vehicle body by screwing a threaded fastener, in a hole (8) of the fabric sheet, into a fastening hole in the vehicle body.

The structure includes a spacer (10) fitted to the hole (8). The spacer (10) includes a cylindrical portion (12) into which a threaded fastener is inserted. One end of the spacer (10) is in contact with the vehicle body and the other end of the spacer (10) is provided with a flange (14, 16) with a diameter larger than the inner diameter of the hole (8). The dimensions of the spacer (10) are selected so that a tab (6) may be prevented from being caught between flanges (14, 16) and the spacer (10) slips or rotates within the hole (8) even when rotational torque is applied to the spacer (10).

VI. ISSUE

The issue presented on appeal is the following:

(1) Whether claims 1-3 and 5 are anticipated by U.S. Patent No. 6,039,340 (hereinafter "Fischer").

(2) Whether claim 4 is obvious over Fischer in view of U.S. Patent No. 5,564,739 (hereinafter "Davidson").

VII. GROUPING OF CLAIMS

Claims 1-3 and 5 stand or fall together. Claim 4 stands separately.

VIII. ARGUMENT

Claims 1-3 and 5

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer.

The rejection should be withdrawn because Fischer does not disclose, teach or suggest the claimed invention. For example, Fischer fails to disclose, teach or suggest "a spacer positioned in the hole of the sheet, the spacer having a cylindrical portion...the diameter of the cylindrical portion being smaller than the inner diameter of the hole" as called for in Claim 1.

The Examiner contends that Fischer discloses a spacer (reference numeral 11) wherein the diameter of the cylindrical portion is "smaller than the inner diameter of the hole." However, Fischer discloses that reference numeral 11 corresponds to a reinforcement part that "is embedded in a form-fitting manner in the fastener web." (Fischer at Col. 2, Lines 14-15). Thus, it is clear that the reinforcement part does not have a cylindrical portion having a diameter "smaller than the inner diameter of the hole" as called for in Claim 1. A reinforcement part that is form-fitting and embedded is not "smaller than the inner diameter of the hole" as required by Claim 1. As none of the cited references disclose, teach, or suggest the claimed invention, the rejection should be withdrawn.

In addition, Fischer does not disclose, teach or suggest a "fabric sheet" as required by claim 1. On the contrary, Fischer discloses a structure for securing a gas bag cover to a steering wheel hub or dashboard. The gas bag cover in Fischer is made of an injection-

molded, foamed or cast synthetic material, not a “fabric sheet,” as called for by claim 1. *See* Fischer at col. 1, lines 10-12 and 31-33. Thus, the rejection is clearly deficient and should be withdrawn. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2, 3 and 5 depend from Claim 1 and are allowable therewith for at least the reasons set forth above without regard to the further patentable limitations contained therein.

Claim 4

Claim 4 is rejected over 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Davidson. The rejection is traversed for the following reasons.


The rejection of claim 4 should be withdrawn because neither of the references (when taken alone or in combination) disclose, teach or suggest the claimed invention. As stated above, Fischer fails to disclose, teach or suggest “the diameter of the cylindrical portion being smaller than the inner diameter of the hole,” or a “fabric sheet,” as recited by claim 1. Davidson does not cure the deficiencies of Fischer. For example, Davidson does not teach, disclose or suggest “attaching a fabric sheet to a vehicle body” with a structure comprising “a spacer positioned in the hole of the sheet...the diameter of the cylindrical portion being smaller than the inner diameter of the hole,” as called for in claim 1. Instead, Davidson only discloses connecting an inflator plate 24 to a seat frame 16. Furthermore, Davidson does not disclose the “tacking member” called for in claim 4. Davidson only discloses a threaded fastener 25. Thus, for at least this additional reason the rejection should be withdrawn. Reconsideration and withdrawal of the rejection is respectfully submitted.

Conclusion

Applicant respectfully submits that the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited.

Respectfully submitted,

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SHOULD ADDITIONAL FEES BE NECESSARY IN CONNECTION WITH THE FILING OF THIS PAPER, OF IF A PETITION FOR EXTENSION OF TIME IS REQUIRED FOR TIMELY ACCEPTANCE OF SAME, THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE DEPOSIT ACCOUNT NO. 19-0741 FOR ANY SUCH FEES; AND APPLICANT(S) HEREBY PETITION FOR ANY NEEDED EXTENSION OF TIME.

APPENDIX

1. (Original) A structure for attaching a fabric sheet to a vehicle body in which the fabric sheet is attached to the vehicle body by inserting a threaded fastener through a hole of the fabric sheet and screwing the fastener into a fastening hole formed in the vehicle body, wherein the structure comprises:

a spacer positioned in the hole of the sheet, the spacer having a cylindrical portion inserted in the hole, the diameter of the cylindrical portion being smaller than the inner diameter of the hole,

wherein the threaded fastener is inserted into the cylindrical portion, and

wherein an end of the spacer is in contact with the vehicle body and another end of the spacer is provided with a flange having a diameter larger than the inner diameter of the hole.

2. (Original) The structure of claim 1, wherein the flange is integrally formed with the cylindrical portion.

3. (Original) The structure of claim 1, wherein the spacer includes a spacer rear body to be in contact with the vehicle body and a spacer front body to be connected with the spacer rear body,

wherein the spacer front body includes the flange, and the spacer rear body includes an enlarged portion larger than the hole, the enlarged portion being located between the vehicle body and the fabric sheet.

4. (Previously Presented) The structure of claim 3, wherein the spacer includes a tacking member for tacking the spacer rear body to the vehicle body so that the tacking member engages with an engaging hole in the vehicle body.

5. (Previously Presented) The structure of claim 1, wherein the opening in the fabric sheet is located in an edge portion of an airbag that is intended to protect a vehicle occupant's head.